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Fifty-seventh session

SUMMARY RECORD OF THE 59th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 17 April 2001, at 3 p.m.

Chairperson:	Mr. DESPOUY	(Argentina)
later:	Ms. FILIP (Vice-Chairperson)	(Romania)

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The meeting was called to order at 3.45 p.m.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF ARMENIA

1. Mr. MARKARIAN (Armenia) said that, since independence, his country had chosen the path of democracy, the rule of law and respect for human life and dignity. Armenia's commitment to those ideals was best expressed in the numerous legislative measures adopted and implemented in the field of human rights, which had targeted the social and political infrastructure. Armenia's recent entry into the Council of Europe had been a clear indication that his Government's efforts to continue the democratic processes were irreversible. The responsibilities undertaken and associated with Council of Europe membership would strengthen everything that had been achieved to date.

2. Armenia had a long history of cooperation with the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE), and was working with its experts on appropriate legislation. Along with reforms, it was necessary to enforce legal and social frameworks, and that required an active, independent and qualified judiciary. A number of national and international commissions had already reviewed and updated Armenia's new Penal Code: its draft had been adopted on second reading, and included the abolition of the death penalty. The National Commission for Human Rights had prepared and submitted for the consideration of the country's National Assembly a bill on the establishment of an ombudsman. The technical cooperation agreement Armenia had signed with the Office of the United Nations High Commissioner for Human Rights (OHCHR) had been successful, and his Government was looking forward to a second project for joint implementation.

3. The situation of human rights in Armenia was directly linked to certain external factors and the overall regional environment. The region remained adversely affected by the consequences of the Nagorno Karabakh conflict, which had been a source of human rights violations in the past and still affected regional peace and stability. His Government was committed to finding a comprehensive peaceful solution, and fully shared the optimism expressed by the co-chairs of the OSCE Minsk Group. It was very encouraging to note that another step forward had been taken at the most recent round of negotiations towards narrowing the differences between the parties involved. The co-chairs of the OSCE Minsk Group and the European Union presidency had made a valuable contribution to the promotion of dialogue between the parties at the current session of the Commission.

4. Turning to the question of the status of international human rights instruments, he said that, as a token of its determination to protect and promote human rights, Armenia would be submitting a thematic resolution on the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. It was his Government's strong conviction that the subject should be kept high on the common agenda, and it believed that the initiative would attract the Commission's attention in the context of the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

Situation of human rights in Colombia (E/CN.4/2001/15 and 139)

5. Mrs. ROBINSON (United Nations High Commissioner for Human Rights), introducing her report on the human rights situation in Colombia (E/CN.4/2001/15), said that the concern she had felt following her visit to Colombia had been increased by the latest reports of the massacre of 37 civilians by paramilitary forces, displacement of some 400 families and of the killings and kidnappings carried out by guerrillas of the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), respectively. She believed that the reasons for establishing the Colombia Office remained valid and that it was working with great dedication.

6. She deeply regretted the criticisms made in the Government's reply to her report (E/CN.4/2001/139) and was disturbed by the national authorities' questioning of the Office's impartiality and by the criticism in the national media, which could have implications for the safety of its staff.

7. Over the past year, the Office had organized training courses for prosecutors and others involved in the administration of justice, the Attorney-General's Office and the Procurator-General's Office and workshops on human rights and humanitarian law; many participants from local authorities and non-governmental organizations (NGOs) had attended the latter. A number of human rights publications had been issued. There had been close cooperation with the Office of the Ombudsman on the management of complaints, with the Attorney-General's Office on the protection of victims and witnesses, and with the Procurator-General's Office on research techniques in cases of human rights violations.

8. Throughout the year, the Government had continued its attempts to broker a political solution and had confirmed its strong commitment to peace. She was convinced that the protection of human rights should be the cornerstone of the process and called upon all parties to the conflict to continue their dialogue and to consider signing a comprehensive agreement on human rights and international humanitarian law.

9. The Government had taken a number of positive steps in the area of the rule of law, inter alia by ratifying the Ottawa Convention banning anti-personnel mines. The new criminal code and a new military criminal code had come into force, as had a new law against enforced disappearance and torture. Unfortunately, the State's efforts to comply with international recommendations on human rights protection had not reduced impunity with regard to cases involving human rights violations nor had they had the expected impact, as yet, on the armed actors. That should not be a justification for continuing military jurisdiction over cases of human rights violations.

10. The human rights situation continued to deteriorate. Combatants were disregarding the most basic humanitarian precepts. Attacks by guerrilla groups against the civilian population and the growing practice of hostage taking must be condemned unequivocally, as must terrorist acts of all kinds. There had been an alarming increase in the attacks on and threats against human rights defenders, including trade unionists and social leaders, as well as civil servants,

including officials and individuals working in the judiciary. Academics, journalists and other opinion-makers continued to be repressed in the most violent ways. Also at serious risk were the indigenous and Afro-Colombian communities.

11. She was deeply concerned at the expansion of the phenomenon of paramilitarism and the growing support it was receiving amongst certain sectors of civil society. Links between paramilitary groups and members of the State security forces were alarming. She strongly urged the Government to tackle that problem firmly, so that members of the security forces and other public servants supporting paramilitary activities did not do so with impunity, and also to implement its human rights policies and programmes.

12. The rule of law, democracy and respect for human rights were interdependent. The recommendations in the report were offered in a constructive spirit to help identify institutional or legislative weaknesses and design effective solutions. She reiterated her willingness to continue supporting Colombia in its efforts to improve the human rights situation and urged the Government to consider the requests made by several of the special mechanisms of the Commission regarding the possibility of visiting the country in 2001.

13. Mr. BELL LEMUS (Colombia) having reiterated his Government's commitment to the search for peace through negotiations and political dialogue and to strengthening respect for human rights and implementation of humanitarian law, said that any analysis of the situation must take into account the roots and complexity of the conflict and the fact that drug trafficking had become a factor in recent years. The guerrilla movements and paramilitary groups denied the applicability of international humanitarian law. The conflict was therefore not like other internal conflicts.

14. The report before the Commission did not fully take into consideration the fact that his Government was limited in its ability to guarantee respect for human rights. It realized that the norms of international humanitarian law must be observed in order for there to be movement towards peace. It had several times referred, in the course of negotiations, to the need to reach an agreement which would lead to the implementation of international humanitarian law. He therefore welcomed the proposal that consideration should be given to the possibility of a comprehensive agreement on human rights as a first step towards peace. There had been no discussion so far of the proposal, but his delegation would hope to have a concrete proposal that it could take to the negotiating table.

15. Evidence of the sincerity of the Government's efforts to respect the rights of citizens and the norms of international humanitarian law, was the fact that Colombia was still open to outside scrutiny. Many international observers, including those from the Inter-American Commission on Human Rights and from NGOs, and from the media were there. There was also a sizeable United Nations presence.

16. Regarding the statement that there were indications which seemed to point to direct involvement of the Government in the action of paramilitary groups, he said that the Government was doing its utmost to combat those groups. That did not, of course, rule out the possibility of complicity on the part of individual members of the armed forces, but the Government's policy was to prosecute such groups for human violations. That was quite clear, since it had established

a coordinating centre to combat self-defence groups and since the findings of the investigations by the Human Rights Unit of the Prosecution Service into the worst cases of human rights violations, including those in which members of the armed forces had been involved, had been made public. It was, of course, true that more needed to be done given the scale of the conflict.

17. Although the country was going through a recession, the Government was funding efforts to protect human rights defenders. Many people had been saved as a result although it was true that some trade union leaders might have suffered. He called on the international community to make greater efforts to bring pressure to bear on the guerrilla movements to respect human rights, if possible, by making contact with such groups dependent on the latter's agreeing to respect human rights. That was important, because the systematic denial of international humanitarian law in Colombia during the past two years had been an important factor in the increased public support for self-defence groups.

18. In saying that it was unhappy with some of the imprecisions in the report, his Government was in no way trying to cast doubt on the legitimacy of the work of OHCHR in Colombia. It simply wished to point out that it did not agree with the manner in which some facts were presented and believed that such distortion of reality was not helpful. The Office should not only engage in the impartial monitoring, but should also be constructive and creative; for example, it could increase its horizontal cooperation through technical and humanitarian assistance. Colombia had a long tradition of democracy and respect for international norms and it wished to continue cooperating with the United Nations system.

19. Ms. FILIP (Romania), the Vice-Chairperson, took the Chair.

20. Mr. MOLANDER (Observer for Sweden), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, welcomed the High Commissioner's report (E/CN.4/2001/15) and endorsed the recommendations it contained. The Union strongly supported the work of OHCHR in Bogotá, and called on the Government of Colombia to upgrade, strengthen and increase the effectiveness of its cooperation with it, as well as urgently to implement its recommendations. The Office's contribution was vital to improving the human rights situation in Colombia, and the Union strongly supported the expanded presence through the opening of field offices; it encouraged all States and other relevant actors to join efforts to ensure that the Office was provided with adequate, stable and predictable funding.

21. The Union and the Government of Colombia were engaged in consultations with the objective of reaching a Chairperson's Statement on the human rights situation in that country, but there were a few remarks he had to make that were essential to the Union's member countries. The Union called on all parties to the conflict to put an end to violence, to respect human rights and to comply with international humanitarian law; it strongly condemned the persistent violations of international humanitarian law, human rights abuses and acts of terrorism in Colombia. It fully supported the efforts of the Government of Colombia to promote the peace process with a view to concluding a general agreement, and believed that a comprehensive human rights and humanitarian agreement between the parties, including concrete verification mechanisms, would be an important step towards peace. It strongly condemned all human rights

abuses and violations of international humanitarian law committed by the guerrilla groups, deeply deplored the continuing use of child soldiers and called on all parties to spare no efforts to end the practice immediately and to rehabilitate and reintegrate the children concerned into society.

22. The Union continued to condemn strongly atrocities, violations of international humanitarian law and human rights abuses committed by paramilitary groups. It called on the Government of Colombia to continue its efforts to combat paramilitarism and to dismantle the groups by arresting, prosecuting and punishing those involved. It further urged the Government of Colombia to take prompt action when it received early warnings to prevent massacres and other crimes from being committed. It urged the Government of Colombia to intensify political, administrative, judicial and other appropriate measures to stop the cooperation of official bodies, members of the armed forces and individuals with paramilitary groups.

23. The Union condemned the human rights violations committed by members of the armed and security forces, and called upon the Government of Colombia to ensure that all cases of human rights violations and breaches of international humanitarian law were prosecuted in civilian courts. It was deeply concerned at the persistence of attacks on and threats against human rights defenders, trade unionists, politicians, journalists, academics, students, judicial officers and others working for respect for human rights, and urged the Government of Colombia to take all legal, administrative, security and financial measures to protect those groups effectively.

24. The Union was deeply concerned about the serious and deteriorating human rights situation of the indigenous peoples and minorities in Colombia, and urged the Government to take urgent and effective steps to ensure their legal and physical protection. It remained seriously concerned about the increasing number of persons subjected to forced internal displacement, and called on the Government to do its utmost to alleviate their suffering and enable them to return to their homes in safety and dignity.

25. Lastly, the Union fully supported the Colombian Government's efforts to address and give high priority to the promotion and protection of human rights and, in view of the deteriorating human rights and humanitarian situation, it called on the Government to take practical steps to ensure effective implementation of its human rights policy. The Union offered its continued support and encouragement to the Government of Colombia in its efforts to address the situation in close cooperation with OHCHR.

26. Ms. CHATSIS (Canada) expressed her Government's grave concern at the serious and deteriorating situation in Colombia, responsibility for which was shared among paramilitaries, the guerrillas, the military and the Government. The single most serious issue was the collaboration between some members of the armed forces and illegal paramilitaries, and she said that it was difficult to understand why known paramilitary compounds and activities appeared to remain unchallenged by the Colombian military, given that paramilitarism was illegal.

27. Her Government was deeply concerned about the major abuses of international humanitarian law committed by the illegal armed groups, notably kidnapping and the recruitment of minors. Of equal concern was the very high level of impunity that was permitted to exist for

human rights abuses and which encouraged their continuation. It was also concerned at the desperate plight faced by many human rights activists, trade union leaders and judges, and urged the Government of Colombia to implement adequate measures for their protection.

28. President Pastrana had exhibited a sincere and continuing commitment to the peace process. All Colombians - including the paramilitaries, guerrilla groups and the military - should be encouraged to share that level of commitment. Her delegation strongly supported the work of OHCHR in Colombia, and urged all the members of the Commission to endorse that important initiative in concrete and political terms.

29. Her Government was profoundly concerned at the continuing displacement of Colombian civilians. It was no longer merely a by-product of the conflict, but in some instances was used as a deliberate military tactic by combatants. It applauded the efforts of the International Committee of the Red Cross (ICRC) and other organizations to meet their protection and assistance needs, and would continue to support their efforts in that regard.

30. The Government of Colombia continued to bear the principal responsibility for the safety and well-being of its citizens, and in that regard her delegation supported the recommendations contained in the High Commissioner's report (E/CN.4/2001/15) that it must demonstrate its commitment to the displaced through actions and by adopting a comprehensive approach, which included compliance with the recommendations of the Representative of the Secretary-General, appropriate measures to address protection, assistance and return or relocation, full implementation of the provisions of act 387, a national information network referred to in that act, and the policy of the Economic and Social Policy Council (CONPES), in accordance with the relevant Guiding Principles.

31. Ms. LEPENNEC (International Federation of Human Rights Leagues), speaking also on behalf of the International Commission of Jurists, Christian Aid, Franciscans International, the International League for the Rights and Liberation of Peoples and the World Organization Against Torture, said that the situation of human rights in Colombia was not merely serious; it was alarming and chronic. Massacres, extrajudicial executions and forced disappearances had reached record levels in 2000. By the end of that year, there were more than 2 million forcibly displaced persons as a result of action by paramilitary groups, and their security, reintegration and return had not been ensured by the authorities. Human rights defenders had been assassinated and breaches of international humanitarian law had in the past year increased in both volume and gravity.

32. Most violations were attributed to paramilitary groups, which were operating completely freely and with total impunity in highly militarized areas where they had close links with members of the security forces. Judicial investigations had shown that a number of the assassinations attributed to or claimed by paramilitary groups were in fact the work of the armed forces. The attempt on the life of the trade union leader, Mr. Wilson Borja Díaz, on 15 December 2000 had been claimed by a paramilitary group, but investigations had shown that various members of the security forces were implicated.

33. The territorial expansion of the paramilitary groups during the past year had reached unprecedented levels. Since the end of 2000, with the complicity of the security forces, they had occupied districts of Barrancabermeja, a highly militarized city. Paramilitary incursions had resulted in the killing of about 150 people between January and March 2001. The Colombian Government's policy towards the paramilitary was totally unsatisfactory. In October 2000, the Ministry of Defence had announced the dismissal of 388 members of the armed forces; however only 20 of them were dismissed for human rights violations, none had been prosecuted, and several had immediately joined paramilitary groups.

34. There had been repeated failures by the Colombian Government to implement the international recommendations. The Colombian Senate, with the support of the Ministry of Defence, was considering a bill authorizing the armed forces to carry out preventive detentions without a warrant and to interrogate civilians. The bill would protect paramilitary groups and prevent members of the armed forces from being held criminally responsible for their acts. The Colombian Government was trying to re-enact measures that had already been censured by international bodies and mechanisms.

35. In the past year, there had been a vertiginous rise in human rights violations and violations of international humanitarian law, with persistent impunity, unrestrained expansion of paramilitarism and repeated failure to fulfil international recommendations. For those reasons, the organizations on whose behalf she was speaking urged the Commission to adopt a resolution on Colombia manifesting deep concern at the grave human rights situation in that country, fully supporting the work of the Office in Colombia of the High Commissioner for Human Rights, and ensuring that it received the necessary human and financial resources, and urging the Government of Colombia to cooperate fully with the Office and carry out its recommendations.

36. Mr. ORELLANA (Latin American Human Rights Association (ALDHU)), speaking also on behalf of the Indigenous World Association and Asociación Napguana, said that, in the past few hours, some 32 people, mostly indigenous, had lost their lives in Colombia. The indigenous peoples of Colombia had been struggling for survival ever since the conquest, and millions had been wiped out because they were perceived as an obstacle to development. Nevertheless, they had ensured that their rights were recognized in the Colombian Constitution, although those rights were repeatedly violated.

37. The indigenous peoples were the most frequent victims of violent acts of abuse of power and violations of humanitarian standards in Colombia. Their communities were threatened by insurgent and paramilitary groups operating with the support of the security forces, and they faced various pressures that were tantamount to genocide. His association and the Organization of Indigenous Peoples of the Colombian Amazon (OPIAC) supported the work of OHCHR in Colombia and called upon the Government of Colombia and the parties to the conflict to give due attention to its recommendations.

38. The human rights situation of the indigenous peoples of the Colombian Amazon was particularly serious: their young people were forcibly recruited by the parties to the armed conflict; their territories were occupied, their freedom of movement and access to the necessities of survival restricted; and their communities were increasingly displaced. His association and OPIAC regarded it as a matter of urgency for the parties to the conflict to define the Amazon and

indigenous policies that were necessary for the immediate activation of the Interinstitutional Commission on Human Rights of the Indigenous Peoples created by act no.1.396 of 1996, which had met only once in the past year. A negotiated settlement to the armed conflict was essential.

39. Ms. AVELLA (World Federation of Trade Unions) said that 128 Colombian workers had been murdered in 2000, while the figures so far for 2001 were 31 murders, 6 disappearances and 8 attacks in which workers had been injured. Investigations had generally been unsatisfactory and those responsible had enjoyed impunity. A growing number of workers had been driven out of their areas. Worst affected were teachers, including university lecturers, who had not been given enough help with new placements, but health and electricity supply company officials had also been targeted. The International Labour Organization (ILO) would shortly be deciding whether to set up a commission of inquiry into the obstacles to trade union activity in Colombia.

40. On 12 March 2001, two trade union leaders had been taken off their work bus by a paramilitary squad and killed in front of the other workers. The Government had known that they were under threat but they had been given no protection. Investigations into the serious injuries suffered by another senior trade union leader and his two bodyguards on 15 December 2000 had found that a police captain, a retired army captain and a retired non-commissioned officer had been involved.

41. There was clearly a preconceived plan to eliminate the trade unions by murdering their leaders and intimidating vast sectors of society. The link between the armed forces, the police and the paramilitaries had gone beyond mere conjecture; it was a definite fact. Yet those forces received a large proportion of the Plan Colombia funds. Human rights violations and the killings of trade unionists and human rights defenders were set to escalate. Moreover, the deepening economic crisis, social inequalities and the escalation of the war would polarize Colombian society still further.

42. She urged the Commission to appoint a special rapporteur to support the Bogotá Office of OHCHR, to submit the High Commissioner's report to the General Assembly, to provide more funds for the Colombia activities of OHCHR, to urge the Colombian Government to implement with the Commission's recommendations and to send the various thematic rapporteurs to the country.

43. Ms. MARSAC (Amnesty International) said that the situation in Colombia had reached alarming proportions, with the violence growing by the day. Over the past 10 years alone, over 35,000 people had been the victims of political murders, 3,000 had "disappeared" and some 2 million had been displaced. Despite the efforts of President Pastrana to initiate peace talks with the principal armed opposition groups, the political violence continued to intensify and to spread to new parts of the country. The victims were largely civilians and few regions had been unaffected, whether urban or rural.

44. The military aid programme backed by the United States in the framework of Plan Colombia had made the situation worse. Despite government promises, no effective steps had been taken to reduce the illegal activities of the paramilitaries, who persisted with their "scorched earth" tactics, murdering community leaders and laying whole villages waste. Links

between the army and the paramilitaries had grown stronger and human rights violations continued to grow. In October 2000, over 380 soldiers had been discharged, but in fewer than 50 cases - all relating to junior officers or privates - was the discharge connected with human rights offences. High-ranking officers implicated in violations of human rights had been left undisturbed and none of those discharged had been prosecuted.

45. The armed opposition groups had perpetrated numerous violations of international humanitarian law, including the deliberate murder of civilians and disproportionate and indiscriminate attacks against military objectives. Kidnapping and hostage taking were becoming more and more widespread.

46. Colombia was still one of the most dangerous countries in which to be a human rights activist. Although the Government had improved its protection programmes for them and for others at risk, such as trade unionists and journalists, they had been insufficient to prevent the campaign of intimidation and attack. Official investigations had found evidence that State agents had been involved in a number of recent attacks.

47. Her organization called on the Commission to urge the Government of Colombia to: dissolve the paramilitary organizations; retire from active service all members of the armed forces and security services formally accused or convicted of collusion with paramilitary groups or of other serious human rights violations; guarantee that all investigations and trials of soldiers involved in human rights violations would be carried out by civil courts; stop the harassment of human rights defenders; and provide displaced persons with adequate humanitarian assistance and guarantees of a safe return to their homes.

48. Ms. LOPEZ ORTIZ (Colombian Commission of Jurists) said that the Commission should take firmer action concerning the critical human rights situation in Colombia. Between April and September 2000, an average of 20 people a day had died for social and political reasons, 5 in combat the rest being killed in the street, at work or at home. The numbers had doubled since the decade 1988-1997, when deaths had amounted to 10 a day. Moreover, in 2000 over 300,000 people had been displaced, mostly by paramilitaries and State agents but also by the guerrillas. The State was involved in about 85 per cent of the deaths: between April and September 2000, 4.5 per cent were attributable directly to State agents and 79.2 per cent to paramilitary groups with the blessing of State agents. Guerrillas were responsible for the other 15 per cent and had also carried out more than half the kidnappings in 2000, of which there had been more than 3,700.

49. Almost all such violations met with impunity. Despite significant efforts by the Attorney-General's Office, many judicial officers had had to leave the country and many others had been murdered. The Government had taken no action against the perpetrators nor had it acted on hundreds of warrants for the arrest of paramilitaries. The decrease in offences by State agents was offset by the increase in those by paramilitaries, acting in collusion with the former. There was no effective policy for action against the paramilitaries, although lip service was paid to controlling them. The paramilitary groups had, consequently, increased by 81 per cent over the past two years. Instead, the Government had introduced a bill that would legalize them, as well as establishing new mechanisms of impunity for the armed forces and permitting them to arrest people without a warrant.

50. The crisis could be overcome only if the authorities adopted a serious human rights policy: the country was suffering not only from the atrocities committed by paramilitaries and guerrillas but also from an overall disregard for human rights. The current peace talks, which were much to be commended, had lost some of their credibility because of the State's failure to confront human rights violators. The Commission's resolution could make a decisive contribution to ensuring that the peace efforts would be fruitful, if the Government heeded the recommendations, by OHCHR, strengthened its mandate and gave it full support. The Commission should set up a working group on the obstacles preventing the State from complying with international recommendations.

51. Ms. LAMBERT (Robert F. Kennedy Memorial) said that, during 2000 and 2001, threats and attacks against human rights defenders had continued apace and many organizations had been constrained to shut up shop. The human rights community had helped relocate 39 defenders, either inside the country or abroad. The figures for human rights defenders in the labour sector were even more alarming: at least 112 - and perhaps as many as 128 - trade union members had been assassinated in 2000. In 2001, 35 more had been assassinated so far. More attacks could be expected in the light of the comments by the Procurator-General, accusing human rights organizations of political bias in their activities.

52. In the south of Colombia, the Government was implementing a policy of aerial-eradication of coca that was poisoning fields, destroying legal crops and causing forced displacement. Land belonging to indigenous communities had been fumigated, as had that belonging to communities that had agreed to social pacts to eradicate the coca manually. Moreover, 11 alternative development projects had been destroyed, leading the Ombudsman to call for the suspension of the fumigation. His recommendation had been ignored. Continuing the fumigation would exacerbate both the armed conflict and the forced displacements.

53. The Commission should remind the Government of Colombia of its obligation to respect international human rights and humanitarian law and to observe the Guiding Principles on Internal Displacement; extend the OHCHR mandate in Colombia until 2003 and guarantee it the resources enabling it to expand. It should also instruct the Government to undertake an international expert evaluation of its protection programme for human rights defenders and union members; to investigate and prosecute the authors of all attacks against human rights defenders; to invite the Special Representative of the Secretary-General on human rights defenders to undertake a mission in Colombia; and to suspend fumigation operations.

54. Mr. PARADA (Agir ensemble pour les droits de l'homme), having urged the Colombian Government to improve its dialogue with OHCHR, drew the Commission's attention to the case of General Uscátegui, who had been sentenced to only 40 months' imprisonment for his part in the 1997 Mapiripán massacre. An official investigation had found that troops under the General's command had met the paramilitaries, helped them load their lorries and ensured that local forces which might have opposed the paramilitaries were elsewhere. A subordinate had testified that the General had ordered the falsification of documents showing his complicity in the operation. A military court had nonetheless found him guilty only of not having taken action when informed of the massacre. It had acquitted him of much more serious charges, including crimes against humanity. That showed that the military courts protected high-ranking officers in such cases.

55. Paramilitary groups were thought to be responsible for almost 80 per cent of all human rights violations in Colombia over the past year. As international NGOs such as Human Rights Watch had shown, the paramilitaries and the armed forces were closely linked, but the Government continued to deny that high-ranking military officers were responsible for paramilitary killings. In fact, such links were acknowledged in the United States Act under which the Andean region had been allocated US$ 1.3 billion in aid, most of which was to go to the armed forces. Five human rights requirements had been laid down, but the State Department had suspended them on the grounds of United States national security.

56. A bill currently before the Colombian Congress would increase the power of the military and the police to hold and interrogate people for up to 36 hours, restrict habeas corpus, create public order areas and give the armed forces powers to search, detain and tap telephones. The bill would also establish a new legal framework for the emergence of private vigilante and security groups. The statement by the representative of Colombia had been both inaccurate and misleading.

57. The Commission should express its deep concern about the human rights crisis in Colombia and the Government's repeated failure to comply with the High Commissioner's recommendations; should strengthen the mandate of OHCHR in Colombia; should request the High Commissioner to submit her report to the General Assembly; and should appoint a special rapporteur on the situation of human rights in Colombia.

58. Mr. ZOLLER (International Service for Human Rights) said that the Government of Colombia should show more political willingness to implement all the recommendations made by OCHR and by the Commission's special rapporteurs. Invitations to several of the latter should be confirmed rather than delayed from year to year. The Government could no longer maintain that the paramilitary groups were not linked to the armed forces: there was too much evidence to the contrary. In any case, the bill currently before the Colombian Congress would more or less make the link official. Any Chairperson's statement that emerged from the discussions should incorporate all the recommendations made by OHCHR Bogotá.

59. Mr. PARATA (International Federation Terre Des Hommes) drew attention to the vulnerable situation of 17 million Colombian children. Six and half million lived in poverty and a further 1.2 million in extreme poverty, with those in rural areas the worst affected. Some 2.5 million Colombian children were engaged in child labour, which was often forced and unremunerated. Moreover, 25 per cent of child workers were in high risk situations. Infant mortality and malnutrition indicators were also extremely alarming, as were education coverage, school drop-out rates and youth unemployment statistics. About 3 million Colombian children received no education at all and only 30 per cent entered primary school.

60. The report of the High Commissioner (E/CN.4/2001/15) reflected the situation accurately, in particular its paragraph 77. In order to realize the economic, social and cultural rights of children and young people, the Government should implement the High Commissioner's recommendations, as well as those contained in the concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/1995/12-E/1996/12, paras. 173-202) and in the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.137).

61. Ms. BIONDI (International Confederation of Free Trade Unions (ICFTU)) said that her organization condemned the violent attacks against fellow trade unionists in Colombia. The previous year, 128 had been assassinated, 180 had received death threats, 27 had been abducted and 14 had disappeared. Since the beginning of 2001, 27 trade unionists had been murdered, while bomb attacks, kidnappings and death threats had continued unabated. While denouncing the paramilitary groups that often perpetrated such crimes, her organization wished to emphasize that they enjoyed total impunity. The Colombian Government had failed to identify the perpetrators or bring them to trial. Moreover, the reappearance before the Colombian parliament of a bill to legalize paramilitary groups was of particular concern, as was the Government's continued failure to fund or strengthen mechanisms to protect trade unionists and other human rights defenders.

62. At the most recent session of the ILO Governing Body, the Workers' group had called for: the establishment in Colombia of a Truth Commission to investigate and bring to justice the perpetrators of violations of human and trade union rights; and the appointment of a special ILO Commission of Inquiry to address the sharp increase in violent attacks against trade unionists. Within the Commission, her organization called for the establishment of a working group to promote cooperation between the Government of Colombia and UNHCHR Bogotá. A number of such coordinated measures would be needed if there was to be an end to the violence in Colombia. Fundamental rights - in particular those relating to human life and personal safety - were a prerequisite for the realization of freedom of association.

63. Ms. VAZQUEZ (Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM)) expressed her organization's deep concern and sense of helplessness at the persistent grave human rights violations in Colombia. The civil population was exposed to intolerable insecurity: to abductions, disappearances, torture, assassinations, massacres and forced displacements of entire communities. By 2001, some 2 million persons had been displaced. About 95 per cent of such crimes went unpunished, even when the responsibility of State agents had been proved. The rural population was the most affected, as were human rights defenders and their families.

64. The Commission should: condemn the enforced disappearances; urge the Government of Colombia to conduct criminal investigations; facilitate a visit to the country by the Working Group on Enforced or Involuntary Disappearances; ensure that UNHCHR Bogatá was adequately resourced; appoint a special rapporteur on the situation of human rights in Colombia; and establish an additional mechanism to analyse the reasons for the Government's failure to implement international recommendations.

65. Ms. RICUPERO (Center for Justice and International Law (CEJIL)), having welcomed the report of the High Commissioner (E/CN.4/2001/15), said that, although the situation in Colombia had been gradually worsening over the past decade, there had been a particularly sharp deterioration in 2000. There had been 19 deaths per day in 2000 as compared to 10 per day in 1997. Most human rights violations were perpetrated by State agents or persons belonging to paramilitary groups. Despite having been declared unconstitutional, the paramilitary groups continued to maintain close links with the security forces and appeared to receive direct encouragement from certain sectors of the Colombian Government. She endorsed the suggestions made by previous speakers regarding the action to be taken by the Commission.

66. Mr. BELL LEMUS (Colombia) reiterated his delegation's position, which was set out in detail in the Vice-President's letter of 16 March 2001 (E/CN.4/2001/139). His Government had never denied the existence of a humanitarian crisis in Colombia. It was not true, however, that the Government was to blame for the situation, or that paramilitary groups were supported by the State. Government officials - who risked their lives to combat impunity and to promote human rights - were constantly being harassed by such groups. Unbalanced and inaccurate reports were hardly conducive to improving the situation.

Statements in exercise of the right to reply

67. Mr. VAHABZADA (Observer for Azerbaijan) said that it was increasingly difficult to take seriously statements made by Armenian representatives. How could a country which occupied 20 per cent of Azerbaijan's territory claim that it was not involved in an armed conflict? Moreover, how could it deny that it had territorial ambitions when the Armenian Parliament had in 1989 formally decided to annex part of Azerbaijan's territory? He was reminded of an ostrich with its head in the sand, absurdly convinced of its own safety. The Armenian Government should control its appetite and consider the plight of the people whose suffering it was causing.

68. Mr. NAZARIAN (Observer for Armenia) said that the Deputy Minister for Foreign Affairs of Armenia had not even mentioned Azerbaijan in his statement. The delegation of Azerbaijan was clearly incompetent, since it insisted on raising the subject of Nagorno Karabakh at every opportunity, and regardless of the item under discussion. OSCE was surely the proper forum for negotiating a comprehensive resolution of the question.

69. Mr. VAHABZADA (Observer for Azerbaijan) said that the half million Azerbaijani people resident in Armenia in 1918 had surely not left their homes voluntarily. He hoped that, instead of reading a prepared statement, the observer for Armenia would finally provide some concrete information on the plight of those people. If he were better acquainted with the relevant Security Council resolution, that observer might be less eager to take the floor in the Commission.

70. Mr. NAZARIAN (Observer for Armenia) said that the previous speaker was clearly unaware of the Commission's noble purposes. He hoped that he would not be forced to engage again in such a senseless exchange. The entire international community was sick and tired of hearing Azerbaijan's propaganda.

The meeting rose at 6.05 p.m.